

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JULIE CARTER,

Plaintiff,

V.

STEPHEN BAILEY, and KEITH
YARBROUGH,

Defendants.

4:08CV3085

MEMORANDUM AND ORDER

On May 14, 2009, default judgment was entered against Defendant Stephen Bailey ([filing 27](#)). As of that date, the other Defendant, Keith Yarbrough, had not been served with process or otherwise appeared in the action. Accordingly, through a memorandum and order ([filing 26](#)) also entered on May 14, 2009, the court required Plaintiff to show cause as to why the action should not be dismissed as to Defendant Yarbrough. Plaintiff subsequently filed an affidavit ([filing 33](#)) in support of her request that Defendant Yarbrough not be dismissed from the suit.

On June 9, 2009, the court entered an order giving Plaintiff until August 10, 2009, to serve Defendant Yarbrough with process or, alternatively, again show cause as to why this action should not be dismissed as to Defendant Yarbrough ([filing 34](#)). Because Plaintiff has failed to satisfy either of these requirements, Defendant Yarbrough shall now be dismissed from this action.

IT IS ORDERED:

1. This action is hereby dismissed as to Defendant Keith Yarbrough without prejudice;

2. Judgment shall be entered by separate document.

August 27, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge